

# United States Court of Appeals For the First Circuit

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No. 06-1159

JOSE RIVERA JR.

Petitioner - Appellant

v.

UNITED STATES

Respondent - Appellee

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## ORDER OF COURT

Entered: June 9, 2006

Despite repeated default notices, petitioner-appellant has failed to file a formal application in the district court for a certificate of appealability. Under the circumstances, the district court is directed to treat the notice of appeal as an application and promptly "either issue a certificate of appealability or state why a certificate should not issue." Fed. R. App. P. 22(b)(1).

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AND IN MY LEGAL CUSTODY.

FIRST CIRCUIT COURT OF APPEALS  
BOSTON, MA

By:  Date: 

By the Court:

Richard Cushing Donovan, Clerk

By: MARGARET CARTER  
Margaret Carter, Chief Deputy Clerk

[Certified Copies: Hon. Douglas P. Woodlock and Sarah Thornton, USDC, Clerk ]

[cc: John C. McBride, Esq., Jose Jr. Rivera, Peter K. Levitt, AUSA, Dina Michael Chaitowitz,  
AUSA, Jennifer H. Zacks, AUSA ]